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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Case No: CR08-0890 MMC
	)	
Plaintiff,	)	MOTION AND [PROPOSED] ORDER
	)	TO REDUCE TERM OF IMPRISONMENT TO
v.	)	TIME SERVED
	)	
JAY KENT,	)	AND ORDER THEREON
	)	
Defendant.	)	
_____	)	

COMES NOW the United States of America, by the Director of the Federal Bureau of Prisons and through the undersigned Assistant United States Attorney, and respectfully moves the Court pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), to modify the defendant's term of imprisonment to time served. In support hereof, the United States and the Director of the Federal Bureau of Prisons state as follows:

1. Jay Kent pled guilty to violating 21 U.S.C. § 841(a)(1) and (b)(1)(A)(iii), Distribution and Possession with Intent to Distribute 50 Grams or More of Cocaine Base in the Form of Crack Cocaine,

MOTION AND [PROPOSED] ORDER TO REDUCE TERM OF IMPRISONMENT  
CR08-0890 MMC

1 21 U.S.C. § 846, Conspiracy to Distribute or Possess with Intent to Distribute Cocaine Base, and 21  
2 U.S.C. § 841(a)(1) and (b)(1)(B)(iii), Distribution and Possession with Intent to Distribute 5 Grams or  
3 More of Cocaine Base in the Form of Crack Cocaine. He was sentenced on January 6, 2010, by the  
4 Honorable Maxine M. Chesney, United States District Judge for the Northern District of California, to a  
5 prison term of 120 months, followed by an eight-year term of supervised release.  
6

7 2. Mr. Kent, age 55, has now served 69 months of his prison sentence (57.6% of the term). His  
8 Good Conduct Release Date is August 27, 2017.

9 3. Mr. Kent suffers from stage IV lung cancer with metastasis to the brain. He is receiving  
10 palliative care, and his condition will only continue to decline. The treating oncologist estimates his life  
11 expectancy to be less than three months.

12 4. If the motion is granted, Mr. Kent would live with his sister and brother-in-law in Fairfield,  
13 California. They will support him financially.  
14

15 5. The United States Probation Office has approved the release plan and will accept supervision  
16 of Mr. Kent, should he be released.

17 WHEREFORE, the government respectfully requests that the Court reduce the term of  
18 imprisonment to time that the defendant has now served, thereby making him eligible for immediate  
19 release. Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), the Court, upon motion of the Director of the Bureau of  
20 Prisons, may modify a term of imprisonment upon the finding that “extraordinary and compelling  
21 reasons” exist to warrant a reduction. The defendant’s terminal medical condition constitutes  
22 “extraordinary and compelling reasons” warranting the requested reduction. The defendant would not,  
23 however, be subject to complete release, as he would begin serving the eight-year term of supervised  
24 release previously imposed by the Court.  
25

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27 //

1 DATED: October 14, 2014

Respectfully submitted,

2 MELINDA HAAG  
3 United States Attorney

4 /S/

5 \_\_\_\_\_  
6 BRIAN J. STRETCH  
7 Assistant United States Attorney

8  
9 **ORDER**

10  
11 BEFORE THE COURT is a motion filed by the United States of America and the Director of the  
12 Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term  
13 of imprisonment of the defendant, Jay Kent, to time served and commencement of the eight-year term of  
14 supervised release previously imposed. The Court finds:

15 1. Jay Kent pled guilty to violating 21 U.S.C. § 841(a)(1) and (b)(1)(A)(iii), Distribution and  
16 Possession with Intent to Distribute 50 Grams or More of Cocaine Base in the Form of Crack Cocaine,  
17 21 U.S.C. § 846, Conspiracy to Distribute or Possess with Intent to Distribute Cocaine Base, and 21  
18 U.S.C. § 841(a)(1) and (b)(1)(B)(iii), Distribution and Possession with Intent to Distribute 5 Grams or  
19 More of Cocaine Base in the Form of Crack Cocaine. He was sentenced on January 6, 2010, to a 120-  
20 month term of imprisonment, followed by an eight-year term of supervised release.

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22 2. Mr. Kent, age 55, has now served 69 months of his prison sentence (57.6% of the term). His  
23 Good Conduct Release Date is August 27, 2017.

24 3. Mr. Kent suffers from stage IV lung cancer. He is receiving palliative care, and his condition  
25 will only continue to decline. The treating oncologist estimates his life expectancy to be less than three  
26 months.  
27  
28

1 4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director of the  
2 Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling  
3 reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this Court agrees,  
4 that the defendant's terminal status constitutes extraordinary and compelling reasons that warrant the  
5 requested reduction.  
6

7 IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to  
8 the time he has already served.

9 IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal  
10 Bureau of Prisons as soon as the release plan is implemented, and travel arrangements can be made.

11 IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of  
12 Prisons, the defendant shall begin serving the eight-year term of supervised release previously imposed.  
13

14 **SO ORDERED.**

15 DATED: October 15, 2014

16   
MARLENE M. CHESNEY  
United States District Judge